

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

IN RE:)	CHAPTER 13
ROBERT METCHELL WARD)	CASE: G21-21122-JRS
MARSHA ELAINE WARD)	
)	
DEBTORS)	

**CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION
AND MOTION TO DISMISS CASE**

COMES NOW, Nancy J. Whaley, the Standing Chapter 13 Trustee herein, and objects to Confirmation of the plan for the following reasons:

1.

The plan as proposed will extend to eighty (80) months, which exceeds the sixty (60) months allowed by 11 U.S.C. Section 1322(d).

2.

An Employer Deduction Order for Debtors' plan payments has not yet been requested by the Debtors. The Trustee opposes the Debtors making payments directly to the Trustee and requests they be remitted by payroll deduction to ensure feasibility of the instant case.

3.

Pursuant to testimony from the Meeting of Creditors or other information received by the Chapter 13 Trustee, it appears that Debtors have a pending or anticipated class action lawsuit. The Chapter 13 Petition and schedules fail to fully disclose this lawsuit or claim in violation of 11 U.S.C. Section 521 and Bankruptcy Rule 1007(h). Further, Schedule B does not fully disclose this matter, thereby preventing the Chapter 13 Trustee from evaluating whether any existing or anticipated proceeds exceed exemption limitations as set forth in O.C.G.A. Section 44-13-100.

4.

It appears that an attorney represents the Debtors in a pending or anticipated non-bankruptcy litigation. Said attorney has not been approved as special counsel by the Bankruptcy Court in violation of 11 U.S.C. Section 328, 11 U.S.C. Section 329 and Bankruptcy Rules 2016 and 2017.

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of the Debtors' plan, and to dismiss the case.

This the 16th day of December, 2021.

Respectfully submitted,

/s/

Eric W. Roach
Attorney for the Chapter 13 Trustee
State Bar No. 143194

CERTIFICATE OF SERVICE

Case No: G21-21122-JRS

I certify that on this day I caused a copy of this Chapter 13 Trustee's Objection To Confirmation And Motion To Dismiss Case to be served via United States First Class Mail with adequate postage prepaid on the following parties at the address shown for each:

Debtor(s)

ROBERT METCHELL WARD
MARSHA ELAINE WARD
52 MAPLE VILLAGE PARK
ELLIJAY, GA 30536

I further certify that I have on this day electronically filed the foregoing Chapter 13 Trustee's Objection To Confirmation And Motion To Dismiss Case using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

Attorney for the Debtor(s):

LAW OFFICE OF JEFFREY B. KELLY, P.C.

This the 16th day of December, 2021.

/s/ _____
Eric W. Roach
Attorney for the Chapter 13 Trustee
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